D.B. CIVIL SPECIAL APPEAL(W)NO.644/2007

Swatantra Sharma
Vs.
State of Rajasthan & Ors.

DATE OF ORDER :: 03-05-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri M.C. Sharma, for the appellant.

By the order impugned, the learned Single Judge dismissed the writ petition of the appellant seeking direction for appointment on compassionate ground. The case of the appellant is that he was dependant of his sister Kumari Sharmila, the government employee concerned, and on her death in harness, he is entitled to appointment on compassionate ground.

Rule 10 of the Rajasthan Compassionate Appointment of Dependants of Deceased Government Servant Rules, 1996 lays down that on the death of a Government servant the surviving spouse may apply for appointment for self or for any other dependant. Where the deceased Government servant is not survived by a spouse the application can be made by one of the dependants of the deceased Government servant with a consent of other dependants. The term 'dependant' has been defined in Section 2(c) to mean “ a spouse, son, unmarried or widowed daughter, adopted son/adopted unmarried daughter

legally adopted by the deceased Government servant during his/her life time and who were wholly dependant on the deceased Government servant at the time of his/her death." On a plain reading, it is manifest that brother is not a dependant, and therefore not being dependant, the appellant cannot claim compassionate appointment. The learned Single Judge therefore did not commit any error in dismissing the writ petition.

The appeal stands dismissed.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen